

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARK REAVES,	)	CIVIL ACTION NO. 04-30125-KPN
Plaintiff,	)	
v.	)	
MASSACHUSETTS ARMY NATIONAL	)	
GUARD, RAYMOND VEZINA, ROBERT	)	
JORDAN, THOMAS J. SELLARS, and	)	
RICHARD NAGEL,	)	
Defendants.	)	

**DEFENDANTS JORDAN'S, SELLARS'S, AND NAGEL'S MOTION TO DISMISS**

Defendants Robert Jordan (“Jordan”), Thomas J. Sellars (“Sellars”), and Richard Nagel (“Nagel”) – by and through the Attorney General of the Commonwealth of Massachusetts, their counsel – jointly move, pursuant to FED. R. CIV. P. 12(b)(6), that this Court enter a judgment in their favor, dismissing this action as to them. Jordan additionally moves, pursuant to FED. R. CIV. P. 4(m) and 12(b)(5), that this Court enter a judgment in his favor, dismissing this action as to him. The grounds for this motion are set forth in the accompanying memorandum.

LR. 7.1(A)(2) CERTIFICATION

On July 26, 2005, the undersigned conferred with pro se plaintiff Mark Reaves ("Reaves") and attempted in good faith to resolve or narrow the issue. However, given that this is a dispositive motion that seeks the dismissal of this action as to Jordan, Sellars, and Nagel, it was not possible to resolve or to narrow the issue. Reaves stated that he opposes the motion.

REQUEST FOR ORAL ARGUMENT

Jordan, Sellars, and Nagel request, pursuant to LR. 7.1(D), that the Court hold oral argument on this motion.

Respectfully submitted,

ROBERT JORDAN, THOMAS J. SELLARS,  
and RICHARD NAGEL

By their attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL

By: James S. Whitcomb  
James S. Whitcomb  
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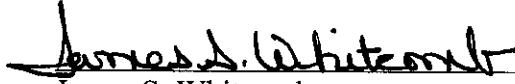
DATED: July 27, 2005.

**CERTIFICATE OF SERVICE**

I, James S. Whitcomb, Assistant Attorney General, hereby certify that on this 27<sup>th</sup> day of July, 2005, I served the foregoing *Defendants Jordan's, Sellars's, and Nagel's Motion to Dismiss* by either mailing, by first class mail, postage prepaid, or by delivering – as indicated below – a true copy of the document to each of the following:

Mark Reaves, pro se  
24 Ionia Street  
Springfield, MA 01109  
(Mailed)

Karen L. Goodwin, A.U.S.A.  
1550 Main Street, Room 310  
Springfield, MA 01103-1422  
(Delivered)

  
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James S. Whitcomb